United Nations A/C.3/63/SR.48

General Assembly
Sixty-third session

Official Records

Distr.: General
19 January 2009

Original: English

Third Committee

Summary record of the 48th meeting
Held at Headquarters, New York, on Tuesday, 25 November 2008, at 3 p.m.

Chairman: Mr. Majoor ..... (Netherlands)

Contents

Agenda item 55: Social development (*continued*)

(e) Review and appraisal of the World Programme of Action concerning Disabled Persons (*continued*)

Agenda item 58: Report of the Human Rights Council (*continued*)

Agenda item 62: Elimination of racism and racial discrimination (*continued*)

(b) Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (*continued*)

Agenda item 64: Promotion and protection of human rights (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)

Agenda item 61: Indigenous issues (*continued*)

(a) Indigenous issues (*continued*)

This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of publication* to the Chief of the Official Records Editing Section, room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

08-61692 (E)

The meeting was called to order at 4 p.m.

Agenda item 55: Social development (*continued*)

(e) Review and appraisal of the World Programme of Action concerning Disabled Persons (A/63/172 and 183; A/C.3/63/L.3/Rev.1) (*continued*)

Draft resolution A/C.3/63/L.3/Rev.1: Realizing the Millennium Development Goals for persons with disabilities through the implementation of the World Programme of Action concerning Disabled Persons and the Convention on the Rights of Persons with Disabilities

1. **The Chairman** said that the draft resolution contained no programme budget implications.

2. **Mr. Hermoso** (Philippines), submitting the revised version of the draft resolution, said that the World Programme of Action concerning Disabled Persons, which analysed disability issues from a development perspective, continued to be a useful guide to ensure that persons with disabilities were included in the efforts to achieve the Millennium Development Goals. The draft resolution combined the thrust of the World Programme of Action with the perspectives of the Convention on the Rights of Persons with Disabilities to address disability issues.

3. The resolution would help to achieve the goal of full participation and equalization of opportunities for persons with disabilities, and he hoped that the resolution would be adopted by consensus, as had similar resolutions since 1982.

4. **Mr. Khane** (Secretary of the Committee) announced that Bosnia and Herzegovina, Colombia, the Congo, El Salvador, Ghana, Honduras, Jamaica, Japan, Jordan, Kenya, Kyrgyzstan, Lebanon, Liberia, Peru, Uganda, Ukraine, Mali, Mauritius, Montenegro, Nigeria, Republic of Korea, Swaziland, the former Yugoslav Republic of Macedonia and Turkmenistan had joined the sponsors.

5. **Ms. Awino-Kafeero** (Uganda), speaking on behalf of the Organization of Islamic Conference (OIC), introduced a proposed oral amendment to the draft resolution which would insert the following additional preambular paragraph, four bis: "Bearing in mind that conditions of peace and security based on full respect for the purposes and principles contained in the Charter of the United Nations and observance of applicable human rights instruments are indispensable for the full protection of persons with disabilities, in particular during armed conflicts and foreign occupation" which reproduced the text of paragraph u. of the Convention. Adoption of the proposed amendment would be a further reaffirmation of the international community's respect for the Convention.

6. **Mr. Hermoso** (Philippines) requested a recorded vote on the amendment. His country, as a State party to the Convention, was committed to its provisions. However, in order to remain impartial as the facilitator, the Philippines would abstain from voting on the proposed amendment.

7. **Mr. González** (Costa Rica) regretted that a vote was needed. His delegation would vote in favour of the proposed amendment, which reflected provisions of the Convention. As the only legally binding instrument on disability, the Convention set the main standard for promoting and protecting the rights of persons with disabilities and was a powerful instrument for promoting their development. The World Programme of Action, which had been created two decades previously, did not reflect the new paradigm of disability and should therefore be updated on the basis of the Convention so that it could continue to serve as a social policy instrument.

8. His delegation disagreed with some of the contents of the report of the Secretary-General contained in document A/63/183 on the World Programme of Action concerning Disabled Persons. He regretted that the report referred to the prevention of disability, thereby promoting a model that was no longer in use. Prevention was important and obligatory, but the Department of Economic and Social Affairs had a clear mandate to help promote and protect the rights of those who already had disabilities.

9. **Mr. Fieschi** (France), speaking on behalf of the European Union, regretted that a vote was needed on a resolution that had traditionally been adopted by consensus. The European Union supported the compromise text that had resulted from the negotiations, as submitted by the Philippines. The European Union would vote against the amendment, not on account of its substance, but because it did not agree with the last-minute amendment, which was in any case already covered by other paragraphs of the draft resolution. The European Union had supported

the negotiation and adoption of the Convention and considered all of its paragraphs to be important.

10. **Mr. Ochoa** (Mexico) said that his delegation would abstain from voting on the amendment as an expression of support for the work of the Philippine delegation. It might seem strange that Mexico, as the country that had initiated work on the Convention, did not support the amendment, but his delegation believed that the selection of just one paragraph removed it from its context. It would go against the integrity of the Convention to give some elements priority over others.

11. **Ms. Janson** (Canada) said that her delegation could not accept the amendment referring to the issue of foreign occupation. Such an amendment distracted from the purpose of the draft resolution, which was concerned with the rights of persons with disabilities throughout the world, and needlessly politicized the text. Canada would therefore vote against the amendment.

12. **Mr. McMahan** (United States) said that his delegation supported the resolution but would vote against the amendment. He regretted that the amendment had been tabled at the last minute. Its highly politicized language and its legal imprecision detracted from efforts to achieve the Millennium Development Goals for persons with disabilities.

13. **Ms. Hill** (New Zealand) said that her delegation appreciated the efforts made by the Philippines to bring delegations together on the important issue of persons with disabilities, an area where Member States could and should always find common ground. Her delegation had no difficulty with the substance of the amendment, but would abstain from the vote, preferring to support the integrity of the text submitted by the Philippines.

14. *At the request of the Philippines, a recorded vote was taken on the oral amendment to draft resolution A/C.3/63/L.3/Rev.1 proposed by Uganda.*

In favour:

Afghanistan, Algeria, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Brunei Darussalam, Cambodia, Chad, China, Comoros, Costa Rica, Cuba, Democratic People's Republic of Korea, Djibouti, Dominica, Egypt, Eritrea, Gambia, Guyana, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kuwait, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Malawi, Malaysia, Maldives, Mauritania, Monaco, Morocco, Myanmar, Nicaragua, Niger, Oman, Pakistan, Qatar, Russian Federation, Saudi Arabia, Sierra Leone, South Africa, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Timor-Leste, Tunisia, Uganda, United Arab Emirates, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Andorra, Australia, Austria, Belgium, Bulgaria, Burundi, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Montenegro, Netherlands, Poland, Portugal, Republic of Moldova, Romania, San Marino, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Albania, Angola, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Cape Verde, Chile, Colombia, Congo, Dominican Republic, Ecuador, El Salvador, Ethiopia, Fiji, Ghana, Guatemala, Guinea, Guinea-Bissau, Haiti, Honduras, Iceland, India, Japan, Kenya, Madagascar, Mali, Mauritius, Mexico, Mongolia, Mozambique, Namibia, Nepal, New Zealand, Nigeria, Norway, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Republic of Korea, Rwanda, Senegal, Serbia, Singapore, Solomon Islands, Sri Lanka, Switzerland, Trinidad and Tobago, Vanuatu.

15. *The proposed oral amendment to draft resolution A/C.3/63/L.3//Rev.1 was adopted by 67 votes to 41, with 52 abstentions.* *

16. **The Chairman** invited the Committee to take action on draft resolution A/C.3/63/L.3/Rev.1, as orally amended, as a whole.

17. **Mr. Jordi-Tomás** (Andorra), **Mr. Suárez** (Colombia), **Mr. Nikuljski** (the former Yugoslav Republic of Macedonia) and **Ms. Park Enna** (Republic

* The delegation of Tanzania subsequently informed the Committee that it had intended to abstain from the vote on the proposed amendment.

of Korea) withdrew their delegations' sponsorship of the resolution.

18. **Mr. Hermoso** (Philippines) regretted that a vote had been requested as previous resolutions on the subject had been adopted by consensus since 1982. He hoped that delegations would continue to seek a consensus at future sessions. The resolution had been inspired by the World Programme of Action and would help to include persons with disabilities in the efforts to achieve the Millennium Development Goals. He urged delegations to look at the resolution as a whole and not to withdraw their sponsorship.

19. **The Chairman** said that, in accordance with rule 130 of the rules of procedure, the Committee would vote on the resolution as a whole, as orally amended.

20. **Mr. Fieschi** (France), speaking on behalf of the European Union, said that the European Union would vote in favour of the resolution as a whole.

21. *A recorded vote was taken on draft resolution A/C.3/63/L.3/Rev.1, as orally amended.*

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

None.

Abstaining:

None.

22. *Draft resolution A/C.3/63/L.3/Rev.1, as orally amended, was adopted by 176 votes to 0, with 0 abstentions.*

23. **Ms. Eilon Shahar** (Israel) regretted the inclusion of political elements in the text in an attempt to draw artificial parallels between two different legal regimes under international law — human rights law and the law of armed conflict — which only undermined the effectiveness of each regime.

24. **Ms. Sapag** (Chile) regretted that the resolution had not received as broad a level of sponsorship as in the previous year. Her delegation reiterated its commitment to the World Programme of Action and urged delegations to reach agreement on such important matters in future.

25. **The Chairman** proposed that the Committee should take note, in accordance with General Assembly decision 55/488, of the note by the Secretary-General on the implementation of the International Plan of Action for the United Nations Literacy Decade (A/63/172).

26. *It was so decided.*

Agenda item 58: Report of the Human Rights Council (*continued*) (A/C.3/63/L.57*, A/C.3/63/L.57/Rev.1 and A/C.3/63/L.77)

Draft resolution A/C.3/63/L.57: "Report of the Human Rights Council"*

27. **Mr. Amorós Núñez** (Cuba), speaking on behalf of the Movement of Non-Aligned Countries, said that the draft resolution was very important as it expressed the Committee's support for the mandate entrusted to the Human Rights Council and served to validate its work. While giving blanket support to the Council's recommendations contained in its report, the Non-Aligned Movement reserved the right in future to examine the Council's recommendations individually. He proposed that, in the second paragraph of the proposed text, the word "endorses" should be replaced by "acknowledges", so as to enable it to be given broad support.

28. **Mr. Khane** (Secretary of the Committee) said that if the new wording proposed by one of the two original sponsors was adopted, it would be the Secretariat's understanding that the Third Committee had decided to recommend that the General Assembly should not support the recommendations contained in the report of the Human Rights Council. As a result, the draft resolution would have no programme budget implications and document A/C.3/63/L.77 would accordingly be withdrawn.

29. **Mr. Amorós Núñez** (Cuba) said that he in turn wished to express his understanding that the draft resolution proposed by the African Group alone (A/C.3/63/L.57/Rev.1) had been withdrawn. He confirmed the amendment to draft resolution A/C.3/63/L.57*, whose purpose was to acknowledge the recommendations contained in the Council's report, leaving it to the General Assembly to express its views thereon.

30. **Mr. Lukiyantsev** (Russian Federation) said that his delegation wished to join the sponsors.

31. **Ms. Eilon Shahar** (Israel) requested a recorded vote on the draft resolution.

32. **Mr. Dhalladoo** (Mauritius), speaking on behalf of the Group of African States, stressed the importance of the Human Rights Council, especially its universal periodic review mechanism, as a means of promoting the full realization of human rights and fundamental freedoms for all, which was the collective responsibility of all Member States. The Committee had a vital role to play in considering the Council's report and its recommendations. He welcomed the Committee's adoption by consensus of draft resolution A/C.3/63/L.47 on the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, which was reinforced but not duplicated by the draft resolution under consideration. He called on all delegations to vote in favour of it and thus send a clear message of support for the work of the Council.

33. **Mr. Khane** (Secretary of the Committee) asked the representative of Mauritius to confirm the withdrawal of A/C.3/63/L.57/Rev.1.

34. **Mr. Dhalladoo** (Mauritius), speaking on behalf of the Group of African States, confirmed that he wished to withdraw draft resolution A/C.3/63/L.57/Rev.1.

35. **Ms. Eilon Shahar** (Israel), speaking in explanation of vote before the voting, said that the Council's report once again revealed its obsession with Israel, denounced by the Secretary-General. Since its last report, it had adopted seven resolutions condemning her country, all of which were lacking in the objectivity that was supposed to be among its basic attributes. In the previous year, it had also held another one-sided special session against Israel, bringing the total number to four, which was more than the number of all other special sessions combined. The Council's distorted attention to Israel was nowhere more obvious than in the skewed report of its fact-finding mission to Beit Hanoun, which was the subject of one of the recommendations under consideration. His delegation would therefore be voting against the draft resolution.

36. **Mr. Fieschi** (France), speaking on behalf of the European Union in explanation of vote before the voting, said that the draft resolution raised several problems of method and principle. Because of its late submission, it had not been duly discussed within the Committee and had not been the subject of a transparent process of negotiation. Moreover, the General Committee of the General Assembly had decided in October 2008 that the Council's report would be considered by the plenary and that the Third Committee would only concern itself with the Council's recommendations, which in any case related to too wide range of subjects to be covered by a single resolution. By lumping all the recommendations together, the draft text obliged States to adopt an overall position on subjects that would each have

merited a separate examination, thus increasing the risks of disagreement and jeopardizing the progress of the Committee's work. In addition, one of the recommendations, concerning the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights had already been adopted by the General Assembly by consensus, and it was not desirable for the Assembly to adopt the same text more than once in different ways. Lastly, the European Union was not convinced of the need to adopt a draft resolution to permit the implementation of the recommendations in question; the previous year, it had been considered sufficient to take note of them orally. The European Union would therefore abstain from voting on the draft resolution, while continuing to give its full support to the Human Rights Council and without taking any substantive position on its report or the recommendations contained therein.

37. **Ms. Hill** (New Zealand), speaking in explanation of vote before the voting on behalf of Liechtenstein, New Zealand, Norway and Switzerland, said that, although supportive of the implementation of the Human Rights Council's recommendations, it would abstain on the draft resolution because it was inconsistent with the General Committee's recent decision, ambiguous in its scope and procedurally incorrect with regard to the recommendation on the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. The Committee should in future take action on any recommendation to the General Assembly as indicated by the General Committee and through a separate draft resolution for each recommendation, as it had done previously. The draft resolution under consideration could not be accepted as a precedent for future treatment of the Human Rights Council's recommendations to the General Assembly. She looked forward to a more consensual approach in that regard at future sessions.

38. **Mr. McMahan** (United States of America), speaking in explanation of vote before the voting, said that as the Committee had already decided by draft resolution A/C.3/63/L.47 to take action on one of the Council's recommendations, concerning the Optional Protocol, there should be nothing in the current draft resolution pertaining to that recommendation of the Council. Moreover, the Council's report contained resolutions and decisions contrary to its mandate to promote and protect human rights worldwide. It had repeatedly failed to respond appropriately to some of the most pressing human rights situations, in particular in Sudan, Zimbabwe and Cuba. It had adopted measures that could actually restrict human rights and had placed severe restrictions on the participation of civil society in the universal periodic review mechanism, thus jeopardizing its possible usefulness. It continued to give excessive and unfair attention to Israel which, despite the constant threats hanging over it, was a diverse, open, free and democratic society. His delegation hoped that the Council would correct its trajectory, bearing in mind that its mandate was to protect individuals and not Governments that injured or abused them. In the absence of a necessary reform of the Council, his delegation would vote against the draft resolution.

39. **Mr. González** (Costa Rica), speaking in explanation of vote before the voting, said that his delegation supported the work of the Human Rights Council and rejected any attempt to diminish its role. Since, however, in view of the General Committee's decision that the Council's report should be considered by the General Assembly in plenary, it was not appropriate for the Third Committee to adopt a draft resolution on the subject, his delegation would therefore abstain from voting on it, so as not to establish a precedent.

40. **Ms. Hibell** (United Kingdom), speaking in explanation of vote before the voting, said that her delegation hoped, in view of the withdrawal of A/C.3/63/L.77, that the costs of the Council's recommendations would, as far as possible, be met from existing resources. As announced by the representative of France, her delegation would abstain from voting.

41. **Mr. Ochoa** (Mexico), speaking in explanation of vote before the voting, said that his delegation regretted having to abstain from voting on a report by a body to which it attached great importance, but it considered the draft resolution to be inconsistent with the decision of the General Committee. Moreover, the wording of the draft resolution was ambiguous in regard to the Council's recommendations, which his delegation supported.

42. *At the request of Israel, a recorded vote was taken on draft resolution A/C.3/63/L.57* as orally amended.*

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Armenia, Azerbaijan, Bahamas,

Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chad, Chile, China, Colombia, Comoros, Congo, Cuba, Democratic People's Republic of Korea, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Australia, Canada, Israel, Palau, United States of America.

Abstaining:

Albania, Andorra, Argentina, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Monaco, Montenegro, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay.

43. *Draft resolution A/C.3/63/L.57*, as orally amended, was adopted by 117 votes to 5, with 55 abstentions.*

44. **Mr. Pak** Tok Hun (Democratic People's Republic of Korea) said that, although his delegation had voted in favour of the draft resolution, it continued to reject the Council's resolution No. 7/15 on the human rights situation in his country, contained in its report. He expressed concern about its adoption of country-specific resolutions, reflecting double standards and a politicization of the Council, which would only weaken the function of the universal periodic review mechanism.

45. **Ms. Pi** (Uruguay) said that, as a member of the Human Rights Council, her country supported its action and would continue to work for it. Her delegation had sponsored the corresponding draft resolution in 2007 but had abstained from voting on it at the current session since the report should be considered by the General Assembly in plenary. It was not appropriate for the Committee to take a position on its recommendations or indeed to consider them together in one single draft resolution, particularly when it had already taken action on one of the recommendations through draft resolution A/C.3/63/L.47, which her delegation supported.

46. **Mr. Saeed** (Sudan) said that his delegation would have liked the draft resolution to have been couched in stronger terms. Human rights violations by the United States of America, which was the only country that had not voted for the establishment of the Human Rights Council, should be the subject of a decision by the Council. He hoped that the new administration in that country would close the Guantánamo Bay detention camp and change its policy in regard to migrants, Muslims and Afro-Americans.

47. **Mr. Onemola** (Nigeria) said that his delegation regretted the amendment to the draft resolution which, it its former wording, would have ensured support for the establishment of the office of President of the Human Rights Council.

48. **Ms. Bhoroma** (Zimbabwe) said that the way forward in dealing with human rights issues worldwide lay through the Human Rights Council; her delegation had therefore voted in favour of the draft resolution. She denounced the obsession of the United States of America with Zimbabwe, which had mechanisms in place to meet the challenges currently facing it. She

hoped that the Human Rights Council would one day count the United States among its members and would thus be able to review that country's human rights situation.

49. **Mr. Amorós Núñez** (Cuba), speaking in exercise of the right of reply, said that the Council's report did indeed fail to mention the most egregious human rights abuses committed by the United States of America on its own territory and throughout the world, including at Guantánamo, which it was occupying illegally. The disrepute in which the current administration had fallen because of the killings, torture and other atrocities perpetrated by the United States of America in centres operated by the Central Intelligence Agency (CIA) around the world had been reflected in the recent election; it criticized the Human Rights Council but feared to allow it to examine its own human rights record.

Agenda item 62: Elimination of racism and racial discrimination (*continued*)

(b) Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (*continued*) (A/C.3/63/L.51/Rev.1 and A/C.3/63/L.70)

Draft resolution A/C.3/63/L.51/Rev.1: Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

50. **The Chairman** said that the statement of programme budget implications for the draft resolution were contained in document A/C.3/63/L.70.

51. **Ms. Akbar** (Antigua and Barbuda) read out oral revisions to the text of the draft resolution. In the second preambular paragraph, the words "*Recalling also*" should be replaced with the word "*Noting*". In the fourth preambular paragraph, the word "*Welcoming*" should be replaced with the words "*Noting also*". In the fifth preambular paragraph, the word "*Welcoming*" should be replaced with the word "*Noting*". In the eleventh preambular paragraph, the phrase "*Acknowledging* the support rendered by the Office of the" should be replaced with the phrase "*Welcoming* the continued determination of the former".

52. Paragraph 10 should be replaced with the following text: "*Calls upon* all States, in accordance with the commitments undertaken in paragraph 147 of the Durban Declaration and Programme of Action, to take all necessary measures to combat the incitement to violence motivated by racial hatred, including through misuse of print, audiovisual and electronic media and new communication technologies and in collaboration with the service providers to promote the use of such technologies, including the Internet, to contribute to the fight against racism, in conformity with international standards of freedom of expression and taking all necessary measures to guarantee that right;".

53. The phrase "as well as information on the follow-up and implementation of the Durban Declaration and Programme of Action" should be inserted at the end of paragraph 11. Paragraph 19 should be deleted. Old paragraph 22, renumbered as paragraph 21, should be replaced with the following text: "*Expresses* appreciation for the High Commissioner's commitment to contribute to the successful outcome of the Durban Review Conference including her appeal to all Member States and other stakeholders to participate in the Durban Review Conference".

54. Old paragraph 34, renumbered as paragraph 33, should be replaced with the following text: "*Reaffirms* that the General Assembly is the highest intergovernmental mechanism for the formulation and appraisal of policy matters relating to the economic, social and related fields, in accordance with General Assembly resolution 50/227 of 24 May 1996, and along with the Human Rights Council, shall constitute an intergovernmental process for the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action, and further *reaffirms* that the Human Rights Council shall continue to have a central role in the follow-up of the implementation of the Durban Declaration and Programme of Action within the United Nations system;".

55. Old paragraphs 35 and 36 should be deleted. Old paragraph 37, renumbered as paragraph 34, should be replaced with the following text: "*Expresses* its appreciation for the continuing work of the mechanisms mandated to follow up the World Conference, while keeping in mind the assessment of the effectiveness of these mechanisms to be undertaken by the Durban Review Conference".

56. In old paragraph 38, renumbered as paragraph 35, the word "*Endorses* should be replaced with "*Acknowledges*". In old paragraph 39, renumbered as paragraph 36, the word "*Welcomes*" should be replaced with the words "*Takes note of*", and the words "at the second part of its first session" should be removed. In old paragraph 43, renumbered as paragraph 40, the word "requests" should be replaced with the word "invites".

57. Old paragraph 44, renumbered as paragraph 41, should be replaced with the following text: "*Calls upon* those States that have not yet done so to consider signing and ratifying or acceding to the instruments enumerated under paragraph 78 of the Durban Declaration and Programme of Action, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families of 1990".

58. In old paragraph 45, renumbered as paragraph 42, the word "*deep*" should be removed. The phrase "the work of the Special Rapporteur" should be replaced with "the work done by the former Special Rapporteur". The word "endorses" should be replaced with "welcomes".

59. In old paragraph 54, renumbered paragraph 51, a new footnote 9 should be inserted after the word "decisions". It should read as follows: "Decision PC.1/12, PC.1/13, PC.2/8", on the understanding that the Secretariat would insert all other decisions from the organizational first and second substantive sessions of the Preparatory Committee. In old paragraph 56, renumbered as paragraph 53, the word "*Welcomes*" should be replaced with "expresses appreciation for". The phrase "Preparatory Meeting to the Durban Review" should be inserted between the words "Regional" and "Conference". Old paragraph 58, renumbered as paragraph 55, should be deleted.

60. A new paragraph 57 should be inserted as follows: "*Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to undertake initiatives to encourage contributions to the voluntary fund established pursuant to decision PC.1/12 of the organizational Preparatory Committee, including the decision to appeal for contributions from extrabudgetary resources to cover the costs of participation of representatives of Least Developed Countries in the Durban Review Conference;".

61. Old paragraphs 60-62 should be deleted. Old paragraph 63, renumbered as paragraph 58, should be replaced with the following text: "*Recommends* that the meetings of the Human Rights Council focusing on the follow-up to the World Conference and the implementation of the Durban Declaration and Programme of Action are scheduled in a manner to allow broad participation that avoids overlap with the sessions during the consideration of this agenda item in the General Assembly".

62. **Mr. Khane** (Secretary of the Committee) said that the Russian Federation had joined the sponsors of the draft resolution as orally revised.

63. **Mr. Fieschi** (France), speaking on behalf of the European Union in explanation of vote before the voting said that the European Union remained fully committed to combating racism, racial discrimination, xenophobia and related intolerance. An active participant at the 2001 Durban Conference, the European Union had agreed to the Durban Declaration and Programme of Action, which it had subsequently worked to implement fully. It had also worked to prepare the Review Conference, and had sought to ensure a consensus-based and inclusive approach. The European Union reaffirmed its commitment to that process and to the goals determined by the Preparatory Committees and endorsed by the General Assembly. The existing standards on fundamental freedoms and human rights, and in particular the International Convention on the Elimination of All Forms of Racial Discrimination, should be promoted and implemented.

64. The European Union was grateful for the open and constructive approach of the Group of 77 and China during informal consultations. However, there remained some issues on which an agreement had not been possible. One example was the reference to the mandate of the Ad-Hoc Committee on the Elaboration of Complementary Standards in old paragraph 39, renumbered as paragraph 36. While respecting the decision of the Human Rights Council, the European Union had opposed the establishment of that mandate.

65. **Ms. Eilon Shahar** (Israel) said that the Israeli people, and all Jews, were keenly aware of the consequences of racism and of the need to confront it. Israel had approached the Durban Conference with high expectations, but had quickly been disappointed by the unabashed hatred both at the Conference and in the streets. The Conference had deviated from its

original purpose and had become a platform for the demonization of Israel. The current United Nations High Commissioner for Human Rights had described some of those events as virulent anti-Semitic behaviour and a betrayal of the core principles of the Conference.

66. The preparatory process for the Review Conference was headed in the same disappointing direction as its predecessor: further expressions of anti-Israeli and anti-Semitic sentiments were to be expected. Israel remained hopeful that a genuine, frank debate on the topic would one day be possible. However, it would not participate in the Conference, and urged the international community not to legitimize such a carnival of hatred.

67. *At the request of Israel, a recorded vote was taken on draft resolution A/C.3/63/L.51/Rev.1.*

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Cuba, Democratic People's Republic of Korea, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Australia, Canada, Czech Republic, Denmark, Israel, Monaco, Netherlands, Poland, Romania, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Albania, Andorra, Armenia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, Montenegro, Portugal, Republic of Korea, Republic of Moldova, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Ukraine.

68. *Draft resolution A/C.3/63/L.51/Rev.1, as orally revised, was adopted by 130 votes to 11 with 35 abstentions.*

69. **Mr. McMahan** (United States of America) said that his country was strongly opposed to racism, racial discrimination, xenophobia and related intolerance, as its track record showed. His delegation agreed with much of the content of the resolution but found the drafting unsatisfactory. The resolution praised the 2001 Durban Conference and requested resources to implement the Durban Declaration and Programme of Action. His country's position on that Conference was well known: racism could not be combated by using hateful language, by arguing that the importance of the Holocaust had been overstated, or by singling out Israel for censure and abuse. The Durban Review Conference seemed set to take a similar approach. The draft paragraphs for use in the outcome document contained dozens of unfair, unbalanced and often untrue allegations about Israel, while failing to address more serious problems elsewhere.

70. Furthermore, some of the proposed activities duplicated the work of other bodies such as the Committee on the Elimination of Racial Discrimination, the Human Rights Committee established by the International Covenant on Civil and Political Rights, and conventions of the International Labour Organization on workers' rights.

71. His delegation therefore did not believe that the Human Rights Council should act as a preparatory

committee for the Durban Review Conference, or that the General Assembly and the Economic and Social Council should engage with the follow-up process. Given the lack of resources, it was not appropriate to provide allocations for the Review Conference.

72. **Ms. Kurosaki** (Japan) said that her delegation had abstained from voting, and was concerned that the programme budget implications of the resolution would impair the normal functioning of the United Nations financial system. She appreciated the efforts of the Secretariat to minimize and absorb the costs, and hoped it would continue to seek to use resources effectively.

73. **Ms. Hill** (New Zealand), speaking also on behalf of Norway, said that her delegation had voted in favour of the resolution in a spirit of compromise, in the hope of returning to a consensus text. Some of the concerns had been accommodated, but others had not. In particular, it did not believe that such resolutions should be used to direct subsidiary mechanisms of the Human Rights Council as envisaged in paragraph 36. Nor did her delegation's support for the resolution prejudice its position on the outcomes of the Ad-Hoc Committee on Complementary Standards.

74. **The Chairman** proposed that the Committee, in accordance with General Assembly decision 55/488, should take note of the report of the Committee on the Elimination of Racial Discrimination on its seventy-second and seventy-third sessions (A/63/18), and the report of the Human Rights Council on the preparations for the review conference on the implementation of the Durban Declaration and Programme of Action (A/63/112 and Add.1).

75. *It was so decided.*

Agenda item 64: Promotion and protection of human rights (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/63/L.34/Rev.1, A/C.3/63/L.39/Rev.1, A/C.3/63/L.78, A/C.3/63/L.46/Rev.1

Draft resolution A/C.3/63/L.34/Rev.1: Elimination of all forms of intolerance and discrimination based on religion or belief

76. **Ms. Gasri** (France) read out oral revisions to the text of the draft resolution. In the tenth preambular paragraph, the phrase "freedom to change one's religion or belief" should be replaced with the phrase "freedom to have or to adopt a religion or belief of one's choice". In the eleventh preambular paragraph, the phrase "*Concerned* at attacks" should be replaced with the phrase "*Seriously concerned* at all attacks". The phrase "in violation of international law, in particular human rights and humanitarian law," should be inserted after the word "shrines,". In the twelfth preambular paragraph, the phrase "*concerned* at misuse" should be replaced with "*concerned* also at any misuse".

77. A new fourteenth preambular paragraph should be inserted: "*Expressing deep concern* at all forms of discrimination and intolerance, including prejudices against persons and derogatory stereotyping of persons, based on religion or belief,".

78. In the new fifteenth preambular paragraph, the word "enhanced" should be inserted after the words "the importance of". In the new sixteenth preambular paragraph, the phrase "respect and freedom" should be replaced with the phrase "respect for religious and cultural diversity and in the universal promotion and protection of human rights, including freedom". In the new seventeenth preambular paragraph, the phrase "the rise in all parts" should be replaced with "the rise in various parts". The phrase "situations where violence" should be replaced with "situations of violence". The phrase "individuals from other vulnerable groups are carried out" should be replaced with "other individuals on the grounds or".

79. A new nineteenth preambular paragraph should be inserted: "*Reaffirming*, in this regard, that education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms and shall promote understanding, tolerance and friendship among all nations, racial or religious groups and further the activities of the United Nations for the maintenance of peace".

80. In paragraph 3, the phrase "are non-discriminatory" should be inserted between the word "others," and the phrase "and are applied". The final part of the paragraph, after the words "conscience and religion", should be deleted. In paragraph 7, after the words "*Emphasizes* that", the words "the conduct

of" should be deleted. The words "paragraph 5" should be replaced with "paragraph 6". Between the words "local level" and "as and when legally", the word "and" should be deleted.

81. In paragraph 9, the phrase "to eliminate intolerance and discrimination based on religion or belief" should be replaced with "to protect and promote the freedom of thought, conscience, religion or belief". In paragraph 9 (b), between the words "to torture" and "other cruel", the word "and" should be replaced with "or". In paragraph 9 (d), the word "any" should be replaced with "all", and the words "his or her" with "their". In paragraph 9 (e), the phrase "for reasons grounded in" should be replaced with "from the individual on the grounds of". The final part of that paragraph, after the words "religion or belief and that", should be replaced with the following text: "everyone has the right to refrain from disclosing information concerning one's religious affiliation on such documents against one's will". Paragraph 9 (f) should be replaced with the following text: "to ensure that everyone has the right and opportunity to have access, on general terms of equality, to public service in one's country, without any discrimination on the basis of religion or belief;". Paragraph 9 (g) should be deleted. In old paragraph 9 (h), renumbered as paragraph 9 (g), the words "in particular," should be introduced after the words "To ensure".

82. In paragraph 12 (a), the word "intolerance" should be added after the word "discrimination". A new paragraph 13 should be added, to read as follows: "*Also emphasizes* that no religion should be equated with terrorism, as this may have adverse consequences on the enjoyment of the right to freedom of religion or belief of all members of the religious communities concerned".

83. In old paragraph 13, renumbered as paragraph 14, the words between "Alliance of Civilizations" and "by the General Assembly" should be replaced with the following text: "and its High Representative and the focal point designated within the Secretariat". In old paragraph 15 (b), renumbered as paragraph 16 (b), the word "where" should be replaced with "of". The word "other" should be inserted between the phrase "as well as" and the word "individuals". The words "from other vulnerable groups are carried out" should be replaced with the words "on the grounds or". In the following subparagraph, a comma should be added after the word "Nations".

84. **Mr. Khane** (Secretary of the Committee) said that the following countries had joined the sponsors: Australia, Brazil, Dominican Republic, Guinea, Mauritius, Thailand, Turkey, United Republic of Tanzania and Uruguay.

85. **Ms. Awino-Kafeero** (Uganda), speaking on behalf of the Organisation of The Islamic Conference (OIC) in explanation of position, said that OIC wished to underline that it opposed all forms of intolerance and discrimination based on religious belief and condemned in the strongest possible terms all acts of violence falsely claimed by their perpetrators to be carried out in the name of religions. Terrorism, therefore, should not be associated with any religion, nationality, civilization or ethnic group. OIC had consistently supported the mandate of the Special Rapporteur on freedom of religion or belief and had no objections to the general thrust of the draft resolution.

86. Despite intense negotiations, OIC had been unable to resolve its difficulties regarding a clear pronouncement on recent instances of deliberate stereotyping of religions in the media; respect for and protection of all religions and beliefs; and respect for national laws and religious norms regarding the right to change one's religion. Further, OIC understood that welcoming the work of the Special Rapporteur in the draft resolution did not preclude the possibility of disagreeing with her conclusions and recommendations.

87. OIC also understood that the freedom to adopt a religion or belief of one's choice and the freedom to manifest religion were applicable to both the individual and the religious community to which the individual belonged. Therefore, the defamation of religions was a serious threat to that freedom, as it could lead to the illicit restriction of the freedom of religion and incitement to religious hatred and violence, as well as social disharmony and violations of human rights. OIC noted with deep concern the serious instances of intolerance, discrimination and violence based on religion or belief occurring in many parts of the world. Nonetheless, OIC believed that it was important to adopt the draft resolution by consensus. It was hoped that in future sessions, it would be possible to address concerns such as the negative portrayals of certain religions in the media and the introduction of Government measures which specifically discriminated against persons of particular ethnic and religious backgrounds, in particular, Muslim minorities.

88. **Mr. Mamadouba** (Guinea) said that his delegation was withdrawing its sponsorship of the draft resolution.

89. *Draft resolution A/C.3/63/L.34/Rev.1, as orally revised, was adopted.*

Draft resolution A/C.3/63/L.39/Rev.1: Protection of human rights and fundamental freedoms while countering terrorism (and the amendment contained in document A/C.3/63/L.78)

90. **The Chairman** said that the draft resolution had no programme budget implications.

91. **Mr. Ochoa** (Mexico) said that the following countries had joined the sponsors: Belarus, Bosnia and Herzegovina, Japan and the Russian Federation. Last-minute negotiations had resulted in some changes to the draft resolution. Paragraph 18 would read: "Recognizes the need to continue ensuring that fair and clear procedures under the United Nations terrorism-related sanctions regime are strengthened in order to enhance their efficiency and transparency, and welcomes and encourages the Security Council's continued enhancement of efforts in support of these objectives, while emphasizing the importance of these sanctions in countering terrorism." Paragraph 26 should be divided into two parts. The first part should be inserted directly after paragraph 2 and would read as follows: "Expresses serious concern at the occurrence of violations of human rights and fundamental freedoms in the context of countering terrorism." The second part would be maintained as paragraph 27 and should read as follows: "Request the Special Rapporteur, within the context of his mandate, to continue to make recommendations, with regard to preventing, combating and redressing violations of human rights and fundamental freedoms in the context of countering terrorism."

92. **Ms. Hoosen** (South Africa) said that in light of the amendments just introduced by the delegation of Mexico, her delegation had decided to withdraw its amendment (A/C.3/63/L.78).

93. **Mr. Khane** (Secretary of the Committee) noted that the following countries had joined the sponsors: Australia, Egypt, the Gambia, the Republic of Moldova, Suriname and Ukraine.

94. **Ms. Hoosen** (South Africa), speaking in explanation of position, said that all decisions and draft resolutions of the Committee should strive to prevent human rights violations, provide adequate protection to victims where prevention failed and provide remedies to victims of human rights violations. The human rights aspect of counter-terrorism measures must be reflected clearly.

95. It was difficult to comprehend the broad reference to Security Council targeted sanctions in the text without placing it specifically in a context of international human rights standards. Without a specific human rights context, the issue belonged elsewhere in the system, so as not to introduce the war on terror and the fight against terrorism into the work of the Third Committee, which considered issues related to human rights. Moreover, "victim" should be more broadly defined in the draft resolution. Despite those and other differences, South Africa would join the consensus on the draft resolution.

96. *Draft resolution A/C.3/63/L.39/Rev.1, as orally revised, was adopted.*

97. **Ms. Pérez Álvarez** (Cuba) said that her delegation interpreted paragraph 19 in connection with former paragraph 18, which referred to Member States' obligations with regard to Security Council measures in the fight against terrorism.

98. **Ms. Halabi** (Syrian Arab Republic) said that her delegation had joined the consensus; however it had reservations regarding paragraph 11, which referred to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. Her country was not party to the Convention or its Protocol, but it would continue to cooperate in that area under its national laws and international commitments.

Draft resolution A/C.3/63/L.46/Rev.1: Committee on the Rights of the Child

99. **Mr. Khane** (Secretary of the Committee) said that a document on the programme budget implications of the draft resolution (A/C.3/63/L.61) had been issued by the Secretariat. The estimates contained in that document would be revised based on the revisions in the draft resolution under discussion and the new estimates submitted to the Fifth Committee, contingent on the adoption of the draft resolution by the Third Committee.

100. **Ms. Hill** (New Zealand) introducing the draft resolution, said that it authorized the Committee on the

Rights of the Child to meet in parallel chambers on a temporary basis in order to reduce the Committee's backlog of reports and requested an evaluation by the Office of the High Commissioner for Human Rights to assist States' consideration of a longer term solution to the backlog. The following amendments had been made to the draft resolution: in paragraph 2, the word "four" should be replaced with "three,"; "January 2011" should be replaced by "October 2010," bringing the temporary measure into line with the General Assembly reporting cycle. If a backlog remained, further solutions could be examined.

101. **Mr. Khane** (Secretary of the Committee) noted that the following countries had joined the sponsors: Albania, Argentina, Armenia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, the Czech Republic, Denmark, Ecuador, El Salvador, Estonia, Finland, Germany, Ghana, Greece, Guinea-Bissau, Hungary, Iceland, Ireland, Italy, Jordan, Kazakhstan, Latvia, Lesotho, Liberia, Lithuania, Luxembourg, Madagascar, Malawi, Malta, Republic of Moldova, Montenegro, the Netherlands, Nigeria, Paraguay, Portugal, Romania, Slovenia, Spain, Suriname, Sweden, Thailand and Turkey.

102. **Ms. Sapag** (Chile) said that paragraph 4 was fundamental to dealing with delays in the adoption of reports.

103. **Mr. Ochoa** (Mexico) said that authorizing the Committee to meet in parallel chambers limited the discussion of national reports and minimized the value added by the geographic diversity of members. It should be viewed as an exceptional, temporary measure, and long-term measures should be examined.

104. *Draft resolution A/C.3/63/L.46/Rev.1, as orally revised, was adopted.*

105. **Ms. Pérez Álvarez** (Cuba) said that working in two chambers was an exceptional and temporary approach to handle delays in consideration of reports. In principle, it was not appropriate to work in parallel chambers because the overall analysis of the States parties' reports by experts should respect the principle of fair geographic distribution.

106. Further, the omnibus draft resolution on the rights of the child had enabled the Committee to deal with the issue of the promotion and protection of the rights of the child for over a decade. The presentation and adoption of the draft resolution currently under discussion was an exception. Member States should continue to support the omnibus draft resolution on the rights of the child.

107. **Mr. McMahan** (United States) said that his delegation would disassociate itself from the consensus. It did not support draft resolutions calling for additional meetings, due to the cost implications. Extra meetings to reduce the backlog would cost some $4 to 5 million over the next several years. Moreover, the costs associated with treaty bodies should not be part of the regular United Nations budget. It was hoped that an additional funding source would be found by the time the backlog was eliminated.

108. **Ms. Giménez-Jiménez** (Venezuela, Bolivarian Republic of) said that meetings in parallel chambers were a temporary, exceptional measure which should not prejudice the recommendations made by the experts. The delays should be dealt with and other solutions found.

109. **Ms. Kurosaki** (Japan) said that the Committee's backlog should be discussed in the general context of the reform of the human rights treaty bodies. The draft resolution had programme budget implications which would be covered through the United Nations budget, and it was cause for concern that they might impair the normal functioning of the United Nations financial system.

110. **The Chairman** proposed that the Committee, in accordance with General Assembly decision 55/488, should take note of the following reports of the Secretary-General or of Committees: under agenda item 64 (a), A/63/48, A/63/137 and A/63/280; under agenda item 64 (b), A/63/259, A/63/287, A/63/223, A/63/263, A/63/270, A/63/271, A/63/274, A/63/275, A/63/286, A/63/288, A/63/289, A/63/290*, A/63/292, A/63/313 and A/63/318; and under agenda item 64 (c), A/63/326.

111. *It was so decided.*

Agenda item 61: Indigenous issues (*continued*)

(a) Indigenous issues (*continued*)

112. **The Chairman** proposed that the Committee, in accordance with General Assembly decision 55/488, should take note of the report of the United Nations High Commissioner for Human Rights on the Status of the United Nations Voluntary Fund for Indigenous Populations (A/63/166).

113. *It was so decided.*

Statements in exercise of the right of reply

114. **Ms. Cross** (United Kingdom), speaking in exercise of the right of reply, said that her country had no doubt about its sovereignty over the Falkland Islands. The principle of self-determination enshrined in the Charter of the United Nations underlay that position. There could be no negotiation over the issue unless the people of the Falkland Islands so wished. The islanders themselves regularly made it clear that they had no desire to lose British sovereignty or to become independent.

The meeting rose at 6.50 p.m.

United Nations A/C.3/63/SR.49

General Assembly
Sixty-third session

Official Records

Distr.: General
28 January 2009

Original: English

Third Committee

Summary record of the 49th meeting
Held at Headquarters, New York, on Wednesday, 26 November 2008, at 11 a.m.

Chairman: Mr. Majoor ..... (Netherlands)

Contents

Agenda item 119: Programme planning (*continued*)

Agenda item 110: Revitalization of the work of the General Assembly

Programme of work of the Third Committee for the sixty-fourth session of the General Assembly

Completion of the Committee's work

This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of publication* to the Chief of the Official Records Editing Section, room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

08-62053 (E)

The meeting was called to order at 11.25 a.m.

Agenda item 119: Programme planning (*continued*) (A/C.3/63/L.79)

Draft decision A/C.3/63/L.79: Programme planning

1. **The Chairman** invited the Committee to take action on the draft decision on programme planning (A/C.3/63/L.79), submitted by the Chairman.

2. **Ms. Eilon Shahar** (Israel) said that she regretted that there had not been sufficient time to reach a consensus on the draft decision. Israel was unable to accept the text, mainly owing to the reference to the Durban Declaration and Programme of Action. Her delegation's consistent position on that issue had been clear since 2001, when her delegation had walked out of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

3. Programme 19 of the proposed strategic framework for the period 2010-2011 (A/63/6) was intended to provide general guidelines to the Office of the United Nations High Commissioner for Human Rights (OHCHR). As that programme contained a list of legislative mandates which included several specific references to the Durban Declaration and Programme of Action, additional references in the draft decision were unnecessary. Previous draft decisions had not included such a reference, nor had the original version of the current text, as submitted by the OHCHR secretariat. OHCHR required only very general guidelines to be able to continue with its work, and although no agreement had been reached thus far, she hoped that delegations would continue to work constructively on that issue and find a compromise that addressed delegations' genuine concerns while sending a clear signal of support for the very important work of OHCHR.

4. **The Chairman** said that he regretted that he was compelled to withdraw the text contained in document A/C.3/63/L.79 in accordance with rule 122 of the General Assembly's rules of procedure.

5. **Ms. Gendi** (Egypt), speaking as the coordinator of the Group of African States, said that the text was the outcome of lengthy negotiations in which all members of the Committee had participated. The Group regretted that one delegation had a problem with the reference to the Durban Declaration and Programme of Action. If the Chairman would not submit the draft decision, the Group, which had been combating against racial discrimination and racism for a long time, would be proud to submit the text for the Committee's consideration, and invited other delegations to join it as sponsors. The text reflected the interests of all members of the Committee.

6. **Mr. Khane** (Secretary of the Committee) said that the text, which had already been withdrawn by the Chairman, could be reintroduced by the Chairman of the Group of African States in accordance with rule 122. The text of the draft decision (A/C.3/63/L.79) would have to be corrected to read "submitted by Mauritius on behalf of the Group of African States".

7. **Mr. Dhalladoo** (Mauritius), speaking on behalf of the Group of African States, called on all Member States to support the draft decision.

8. **Mr. Khane** (Secretary of the Committee) said that Antigua and Barbuda, Argentina, Bahrain, Barbados, Chile, Colombia, Costa Rica, Cuba, Ecuador, El Salvador, Guatemala, Honduras, Indonesia, Iraq, Kuwait, Lebanon, Liechtenstein, Mexico, Norway, Oman, Panama, Paraguay, Qatar, Saudi Arabia, Suriname, Switzerland, the United Arab Emirates and Uruguay wished to join the sponsors of the draft decision, as orally amended.

9. **Mr. Amorós Núñez** (Cuba) said that the text was the best possible in the current circumstances. Although it did not reflect all of his delegation's concerns, his delegation had joined the sponsors as a sign of support for the work of OHCHR, as the document would be an essential guide for its work in future years. His delegation also supported the Durban Declaration and Programme of Action, which were the outcomes of one of the most significant United Nations conferences.

10. **Ms. Giménez-Jiménez** (Bolivarian Republic of Venezuela) said that her delegation also wished to sponsor the draft decision.

11. **Mr. McMahan** (United States of America) proposed that, in paragraph 19.11 (d) of the annex to the draft decision, the phrase "Durban Declaration and Programme of Action" should be replaced with "outcomes to all relevant United Nations conferences and summits". As singling out just one conference had led to a lack of consensus, the purpose of the amendment was to broaden the context of the paragraph to include other conferences.

12. **Ms. Gendi** (Egypt), speaking on behalf of the Group of African States, requested the Chairman to apply rule 120 of the rules of procedure, according to which no proposal could be discussed unless copies had been circulated at least one day in advance. The Group would in any case vote against any amendment that was proposed at such a late stage and invited all other delegations to do the same.

13. **Mr. Khane** (Secretary of the Committee) clarified that, according to rule 120, the Chairman could permit the discussion and consideration of amendments that had not been circulated or had only been circulated the same day. He recalled that at the previous day's meeting all proposed amendments had immediately been acted on by the Committee.

14. **The Chairman** said that, as he had allowed oral amendments to be considered throughout the session, he would do the same in the current circumstances.

15. **Ms. Gendi** (Egypt), speaking on a point of order on behalf of the Group of African States, appealed against the Chairman's ruling in accordance with rule 113.

16. **The Chairman** said he took it that the delegation of Egypt had requested a vote on the Chairman's ruling that the Committee could act on the oral amendment proposed by the delegation of the United States.

17. *A recorded vote was taken on the Chairman's ruling that the Committee could consider the proposed oral amendment to draft decision A/C.3/63/L.79.*

In favour:

Afghanistan, Albania, Andorra, Argentina, Armenia, Australia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Maldives, Malta, Mexico, Monaco, Montenegro, Netherlands, New Zealand, Norway, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Lucia, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Against:

Algeria, Angola, Belarus, Botswana, Burundi, Cape Verde, Chad, China, Comoros, Congo, Cuba, Democratic People's Republic of Korea, Djibouti, Egypt, Eritrea, Ethiopia, Gambia, Ghana, Guinea, Guinea-Bissau, Iran (Islamic Republic of), Iraq, Kenya, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Mali, Mauritania, Mauritius, Morocco, Mozambique, Myanmar, Namibia, Nicaragua, Niger, Nigeria, Pakistan, Russian Federation, Rwanda, Saudi Arabia, Senegal, Sierra Leone, South Africa, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tunisia, Uganda, United Republic of Tanzania, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Abstaining:

Antigua and Barbuda, Bahamas, Bangladesh, Barbados, Belize, Bhutan, Bolivia, Brunei Darussalam, Cambodia, Grenada, Guyana, Haiti, India, Indonesia, Kuwait, Malaysia, Nepal, Qatar, Saint Vincent and the Grenadines, Singapore, Sri Lanka, Thailand, Trinidad and Tobago, United Arab Emirates.

18. *The Chairman's ruling that the Committee could consider the proposed oral amendment to draft decision A/C.3/63/L.79 was upheld by 74 votes to 57, with 24 abstentions.*

19. **The Chairman** said he took it that the Committee wished to proceed to a recorded vote on the oral amendment proposed by the United States.

20. **Mr. Amorós Núñez** (Cuba), speaking in explanation of vote before the voting, said that his delegation would vote against the oral amendment and urged all other delegations to do likewise. The draft decision was the result of a long process of negotiation in which all delegations had participated in good faith. His delegation had contributed constructively to the discussions and to the efforts to arrive at a compromise. The amendment concerned programme 19, subprogramme 1, which related to the research and analysis activities of OHCHR; that was an area in which guidance had traditionally been provided for the Office's efforts to eliminate all forms of racism. By rejecting the

amendment, the Committee would express support for the Office's work.

21. **Ms. Gasri** (France), speaking on behalf of the European Union, expressed support for the draft decision. However, the European Union would abstain from voting on the amendment, as it would have preferred a compromise on the paragraph concerned. It was the lack of such a compromise that had prevented the Committee from reaching a consensus on the draft decision as a whole.

22. **Mr. Dhalladoo** (Mauritius), speaking on behalf of the Group of African States, said that he regretted the tabling of an amendment after such long negotiations. The Group of African States would vote against it and hoped that all delegations would do the same.

23. **Ms. Eilon Shahar** (Israel) reiterated her disappointment at the lack of consensus. The proposed amendment did not contradict the Committee's message of support for the work of OHCHR but, rather, enhanced it; it made that expression of support more comprehensive, by highlighting the equal importance of the follow-up to all relevant United Nations conferences. She called on all delegations not to be swayed by political considerations but to vote, like her delegation, in favour of the amendment.

24. *A recorded vote was taken on the proposed amendment to paragraph 19.11 (d) of the annex to draft decision A/C.3/63/L.79.*

In favour:

Australia, Canada, Israel, United States of America.

Against:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Botswana, Brazil, Brunei Darussalam, Burundi, Cameroon, Cape Verde, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Cuba, Democratic People's Republic of Korea, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Guatemala, Guinea, Guinea-Bissau, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, South Africa, Sudan, Suriname, Swaziland, Switzerland, Syrian Arab Republic, Togo, Tunisia, Turkey, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Abstaining:

Albania, Andorra, Armenia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Grenada, Guyana, Haiti, Honduras, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, Monaco, Montenegro, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Lucia, San Marino, Serbia, Slovakia, Slovenia, Spain, Sri Lanka, Sweden, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Trinidad and Tobago, Ukraine, United Kingdom of Great Britain and Northern Ireland.

25. *The proposed amendment to paragraph 19.11 (d) of the annex to draft decision A/C.3/63/L.79 was rejected by 105 votes to 4, with 55 abstentions.*

26. **Ms. Eilon Shahar** (Israel) requested a recorded vote on draft decision A/C.3/63/L.79.

27. **Mr. Khane** (Secretary of the Committee) announced that the delegations of Albania, Belgium, France, Jamaica and Nicaragua had joined the sponsors of the draft decision.

28. *A recorded vote was taken on draft decision A/C.3/63/L.79.*

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina,

Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Israel, United States of America.

Abstaining:

Australia, Canada.

29. *Draft decision A/C.3/63/L.79 was adopted by 167 votes to 2, with 2 abstentions.**

30. **Ms. Janson** (Canada) said that her delegation supported the efforts of OHCHR to improve human rights protection worldwide. OHCHR itself provided support for other United Nations mechanisms, including human rights and treaty bodies and special procedures, and its independence was essential. Programme 19, Human rights, of the proposed strategic framework for 2010-2011 offered an adequate basis for its continued work. However, on specific aspects of the Durban Declaration and Programme of Action that related to the Middle East, her delegation had strong reservations that had been spelled out at the time of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, in 2001. It had therefore abstained from voting on the draft decision, while regretting the failure to achieve a consensus on the proposed strategic framework.

31. **Mr. McMahan** (United States of America) said that, while his delegation staunchly supported the work of OHCHR, it had had no choice but to vote against the draft decision. It could not agree to the suggestion that the Secretariat should support the implementation of the Durban Declaration and Programme of Action, since the Durban process appeared to be aimed not only against racism, but against Israel. His delegation regretted the unyielding insistence on retaining new, non-agreed language, which had hampered the negotiations. His delegation's negative vote had not been against OHCHR, which it would continue to support, but against a harmful process that did little to alleviate the real problems caused by racism.

32. **Ms. Nassau** (Australia) said that her delegation attached great importance to the role of OHCHR in the protection and promotion of human rights around the world but had strong reservations about the inclusion in the draft decision of inappropriate language concerning the Durban Declaration and Programme of Action. Her delegation had therefore abstained from voting on the draft decision, while appreciating the excellent work done by OHCHR, which it would continue to support.

33. **Ms. Eilon Shahar** (Israel) said that her delegation, while strongly supporting the work of OHCHR, continued to object to the inclusion of the reference to the Durban process, particularly in view of the upcoming follow-up conference, which appeared to be heading in the same direction as the 2001 Conference. That was the only reason for her

* The delegation of Afghanistan subsequently informed the Committee that it had intended to abstain from voting on the draft decision.

delegation's vote against the draft decision, which it would otherwise have supported.

34. **Ms. Gasri** (France), speaking on behalf of the European Union, expressed full support for the draft decision, although it would have been preferable to have reached a consensus on it. She hoped that in future years programme 19 would be adopted by consensus.

35. **Mr. Dhalladoo** (Mauritius), speaking on behalf of the Group of African States, said that he had never sought to challenge the Chairman's ruling; the Group of African States had every confidence in him and had fully supported him throughout the Committee's deliberations.

36. **Ms. Gendi** (Egypt) said that she welcomed the near-consensus that had been achieved in support of the work of OHCHR. Her delegation had not wished to challenge the Chairman himself, but rather the rule of procedure that had been invoked.

37. **Ms. Hoosen** (South Africa) said that, since OHCHR discharged functions specifically assigned to it by the General Assembly, the Economic and Social Council and the Human Rights Council, the role of Member States with regard to its activities, particularly programme 19 of the proposed strategic framework, needed to be reaffirmed. The universal periodic review mechanism had shifted the focus of the human rights agenda from politicization, double standards and selectivity to constructive dialogue and cooperation; it was therefore critical that OHCHR should support the Human Rights Council's efforts in accordance with Council resolution 5/1. Moreover, field activities remained an important part of the work of OHCHR, whose engagement with Member States must be based on a mutually agreed framework with the States concerned. Lastly, effective follow-up to the World Conference against Racism, including the Durban Declaration and Programme of Action, was the key to eradicating racism worldwide and required the support of OHCHR. It was therefore inconceivable that programme 19 of the proposed strategic framework could be adopted without a reference to the Durban process. She hoped that programme 19, particularly those aspects that had received relatively little attention, would be effectively funded and implemented.

38. **Mr. Amorós Núñez** (Cuba) said that programme 19 of the proposed strategic framework was essential for the future work of OHCHR and deserved to be supported by all Member States. The Office's efforts must be based on genuine international cooperation, as the High Commissioner herself had stressed in her remarks to the Committee at its 20th meeting. While the text just adopted did not fully satisfy all delegations, it largely succeeded in bridging their differences.

Agenda item 110: Revitalization of the work of the General Assembly

Programme of work of the Third Committee for the sixty-fourth session of the General Assembly (A/C.3/63/L.76)

39. **Mr. Khane** (Secretary of the Committee) said that, in the tentative programme of work (A/C.3/63/L.76), item 1 (d) ("Review and appraisal of the World Programme of Action concerning Disabled Persons") had been deleted.

40. **Mr. Amorós Núñez** (Cuba) said that the Committee's discussions on human rights were too frequently interrupted by the interactive dialogue with special procedures mandate holders. While that dialogue was very important, his delegation hoped that, in future, Member States would be able to take fuller advantage of the opportunity offered by the Committee's general debate to discuss human rights among themselves.

41. **The Chairman** said he took it that the Committee wished to adopt the tentative programme of work (A/C.3/63/L.76), as corrected, and to transmit it to the General Assembly for approval.

42. *It was so decided.*

Completion of the Committee's work

43. After an exchange of courtesies, in which **Mr. Llanos** (Chile), **Mr. Dhalladoo** (Mauritius), **Mr. Al-Binale** (Qatar), **Ms. Kožar** (Croatia), **Mr. Fieschi** (France) and **Mr. Hreggvidsson** (Iceland) spoke on behalf of regional groups of States, and in which **Mr. Amorós Núñez** (Cuba), **Ms. Phipps** (United States of America) and **Mr. El-Shaksuki** (Libyan Arab Jamahiriya) also took part, the Chairman declared that the Third Committee had completed its work for the main part of the sixty-third session.

The meeting rose at 1.20 p.m.